

REMARKS

1. Summary of the Office Action

In the non-final Office Action mailed August 17, 2010, the Examiner rejected claims 1-3, 11-12, 14, 16, 18, 21, 28-30, 32, 36, 42-47, 50-53, 55-61, 83, 92, 94, 112-116, and 118 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,414,955 (Clare) in view of U.S. Pat. No. 5,608,643 (Wichter); rejected claims 4-10, 19, 25, 38-41, 48, 49, 62, 63, 66, 67, and 69-79 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter and U.S. Pat. No. 6,615,088 (Myer); and rejected claims 13, 17, 25, 65, and 68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter and U.S. Pat. No. 5,184,311 (Kraus).

The Examiner rejected claims 15, 54, 101, and 117 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter and U.S. Pat. No. 5,742,829 (Davis); rejected claims 19, 20, and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter and U.S. Pat. App. Pub. No. 2002/0154631 (Makansi); and rejected claims 9, 22-24, 26, 27, and 37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter and U.S. Pat. No. 6,546,419 (Humpleman). The Examiner also rejected claims 101, 103, and 119 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Davis, and "Network Structures for Distributed Situation Assessment", IEEE, 1981 (Wesson).

Additionally, the Examiner objected to claims 34 and 35 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this notification of allowable subject matter.

2. Response to Interview Summary Mailed September 21, 2010

On September 16, 2010, the Examiner and Tom Loos for the Applicant discussed the application. Prior to the interview, Applicant provided the Examiner with proposed amendments to claims 1 and 92 and mentioned that Applicant proposed making similar amendments to independent claims 63, 83, 101, 103, and 112.

During the interview, Applicant argued that recitation of “energy costs of communication” as recited in claim 1 were not shown in the art, and that the “one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event” as shown in claim 92 was not shown in the art. The Examiner agreed that the amendments to claim 92 would overcome the cited art. The Examiner had some helpful suggestions regarding the use of the term “code” in claim 1. The Examiner also appeared to agree that the amendments to claim 1 would overcome the art while mentioning that Wichter discloses a “cost for communication.” Applicant argued, and the Examiner appeared to agree, that this cost is not an “energy cost for communication” as recited in claim 1.

Applicant thanks the Examiner for sharing his time and expertise during the interview.

3. Summary of the Claims

Previously, claims 33, 64, 80-82, 84-91, 93, 95-100, 102, and 104-111 were cancelled. Now pending are claims 1-32, 34-63, 65-79, 83, 92, 94, 101, 103, and 112-119, of which claims 1, 63, 83, 92, 101, 103, and 112 are independent claims, and the remaining claims are dependent claims.

In this response, Applicant has amended claims 1, 4, 9, 10, 15, 17, 19, 20, 24, 39, 52, 56, 63, 66, 78, 83, 92, 94, 101, 103, and 112. Support for these amendments can be found throughout the application, and specifically on at least page 19, lines 1-17; page 45, line 26 – page 46, line 15; and page 47, line 4 – page 48, line 15 of the specification and at least Figures 10 and 26.

4. Response to Claim Rejections

a. Response to Rejection of Claim 1

As mentioned above, the Examiner rejected claim 1 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter. In response, Applicant has amended claim 1 to recite, in part “at least one node is further configured to be remotely controllable and to determine an energy cost for communication and a message priority” and “wherein the at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and

executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority.”

For at least the reasons specified herein, the cited art, alone or in combination, does not disclose or suggest at least the above-quoted functionality of claim 1 and thus does not support a rejection of claim 1. Additionally, Applicant submits the Examiner did not establish a *prima facie* case of obviousness for claim 1 under M.P.E.P. § 2142. Thus, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103.

i. Discussion of Clare

Clare “relates to wireless networks for data transmission, telemetry, or for the remote monitoring of some physical condition or process.” Clare, col. 1, lines 7-9. In such networks, Clare states that

acquired information (the identity, location, and the communication and interference neighbors of the new node) is disseminated to the network, at least locally as needed to schedule communications....Similarly, the new node receives the routing and other information from the network and stores the information in its microprocessor. The new node 210 is now a member node of the network. That node may in turn issue invitations for other new nodes to join. The new node characterization method is then repeated from each member node and for each new node...

Clare, col. 14, lines 13-16 and 22-29. Clare also mentions that

[w]hen the new node receives the pair-wise communication schedule (232), it will exchange, negotiate and launch active processes (232). These active processes could include high priority, overriding instructions or data from the user such as “power down for five minutes” or “all sensors to maximum alert activity.” Urgent instructions to the network of this type will be acted on immediately, before completing the topology learning method.

Clare, col. 15, lines 11-18.

However, Clare does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Clare is silent regarding determining an energy cost for communication.

Further, Clare does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the

distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Clare is silent regarding distribution of objects for data processing based on the energy cost for communication.

ii. Discussion of Wichter

Wichter does not cure the above-mentioned deficiencies in Clare.

Wichter describes “a system for managing multiple dispensing units,” including “[a d]ispensing unit controller system 14 [that] allows management of multiple dispensing units 10 by utilizing the event-driven status messages sent by dispensing units 10.” Wichter, col. 3, line 15 and col. 11, lines 11-13.

In this context, Wichter states that

[m]essages include three priorities: a high priority, a normal priority and a delay priority. Message processor 54 processes high priority messages immediately. Normal priority messages are processed when no more high priority messages are in communications log 44. Finally, communications interface 40 waits until a specified time to send out delayed messages, a priority only applicable to outgoing messages. Delay priority can be used to preschedule status request messages to be transmitted prior to order generation to make orders as accurate as possible. The delay priority can also be utilized to transmit status request messages during off hours to take advantage of reduced cost of communications network 12.

Wichter, col. 11, lines 52-64.

However, like Clare, Wichter does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. While Wichter mentions that “[t]he delay priority can also be utilized to transmit status request messages during off hours to take advantage of reduced cost of communications network 12” (Wichter, col. 11, lines 60-64), Wichter is does not mention determining the cost of communications. More specifically, Wichter is silent regarding “determining an **energy** cost for communication” as recited in claim 1 (emphasis added).

Further, like Clare, Wichter does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for

communication and the message priority” as also recited in claim 1. Rather, Wichter is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Wichter does not cure the above-mentioned deficiencies in Clare.

iii. Discussion of Myer

Applicant submits that Myer does not cure the above-mentioned deficiencies in Clare and Wichter.

Myer discloses “a system and method of device driver configuration for a control system.” Myer, col. 1, lines 8-10; *see also* Myer, col. 1, lines 26-30. Myer discusses a “system 10” that

includes a control network portal 12 coupled between the Internet 22 and one or more control area networks 30 and 31. Control area networks 30 and 31 are local area networks operating under transport protocols such as Ethernet, and AXLink and PHASTLink® of AMX Corporation (Dallas, Tex.) that interconnect a variety of devices, appliances and/or equipment. The underlying network connectivity 34 may be wired, wireless, power line carriers, or any suitable transmission medium.

Myer, col. 2, lines 52-60.

However, like Clare and Wichter, Myer does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Myer is silent regarding determining an energy cost for communication.

Further, like Clare and Wichter, Myer does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Myer is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Myer does not cure the above-mentioned deficiencies in Clare and Wichter.

iv. Discussion of Kraus

Applicant submits that Kraus does not cure the above-mentioned deficiencies in Clare, Wichter, and Myer.

Kraus discloses “methods of operating installations or systems that comprise long electrical conductors.” Kraus, col. 1, lines 7-9. In this context, Kraus describes a

hierarchical data collection network is schematically depicted in FIG. 2, wherein n sensors (201-20 n) provide data to m [data collection stations (DCSs)] (211-21 m ; typically $m \leq n$). As shown in FIG. 2, p intermediate level stations (221-22 p ; typically $p \leq m$) receive consolidated data from the DCSs and in turn provide further consolidated data to top level station 23 (and, optionally, to one or more user facilities), which in turn provides data to one or more user facilities.

Kraus, col. 7, lines 2-10; *see also* Kraus, col. 7, lines 11-30.

However, like Clare, Wichter, and Myer, Kraus does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Kraus is silent regarding determining an energy cost for communication.

Further, like Clare, Wichter, and Myer, Kraus does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Kraus is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Kraus does not cure the above-mentioned deficiencies in Clare, Wichter, and Myer.

v. Discussion of Davis

Applicant submits that Davis does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, and Kraus.

Davis describes “automati[c] install[ation of] software on client computers that are heterogeneous with respect to each other, as well as to server computers in a distributed system.” Davis, col. 3, lines 24-27. In this context, Davis discloses:

FIG. 3A depicts a more detailed block diagram of the site server 202 of FIG. 2.... [containing] a copy of ‘MICROSOFT WINDOWS NT’ 310, a number of services 312, 314, 318, 320, 322 that provide the functionality of the centralized management system, and a site configuration manager 316 that is further described below. ‘MICROSOFT WINDOWS NT’ 310 acts as both a network operating system and a local operating system to the site server. A ‘service’ is a computer program that typically runs as a background task and performs a system function, such as a function related to the centralized management system

described herein. The services that provide the functionality of the centralized management system include the scheduler 312, the despooler 314, the inventory processor 318, the inventory data loader 320, and the sender services 322. The scheduler 312 is responsible for scheduling jobs such as software updates to occur across the distributed system and when the time has arrived for the job to be performed, the despooler 314 is responsible for performing the job by distributing the software to one or more computers within the site. The inventory processor 318 is responsible for receiving inventory information from the computers within a domain and passing the data to the inventory data loader 320. The inventory data loader 320 is responsible for receiving the data, correlating the data, and storing the data into a database on the SQL server. The sender services 322 is responsible for performing site-to-site communications.

Davis, col. 6, lines 23-24 and 33-58.

However, like Clare, Wichter, Myer, and Kraus, Davis does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Davis is silent regarding determining an energy cost for communication.

Further, like Clare, Wichter, Myer, and Kraus, Davis does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. While Davis mentions use of “services” that include “scheduling jobs such as software updates to occur across the distributed system and when the time has arrived for the job to be performed” and “distributing the software to one or more computers within the site” (Davis, col. 6, lines 47-49 and 50-51), Davis is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Davis does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, and Kraus.

vi. Discussion of Makansi

Applicant submits that Makansi does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, and Davis.

Makansi discloses “a method and apparatus for transmitting messages as packets over a network.” Makansi, ¶ 0002. Makansi mentions “transmitting a message as packets

including...forming packets with random sizes, transmitting packets in random order, transmitting the packets through different routes in the network, and transmitting dummy data within the packets.” Makansi, ¶ 0010.

However, like Clare, Wichter, Myer, Kraus, and Davis, Makansi does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Makansi is silent regarding determining an energy cost for communication.

Further, like Clare, Wichter, Myer, Kraus, and Davis, Makansi does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Makansi is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Makansi does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, and Davis.

vii. Discussion of Humpleman

Applicant submits that Humpleman does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, and Makansi.

Humpleman discloses a “[m]ethod and system for performing a service on a home network having a plurality of home devices connected thereto.” Humpleman, Abstract. In this context, Humpleman describes a variety of “control interfaces for a home network” that include “supporting utility network functions...interface details of a client device...control and capacity interfaces for all audio and video services...an interface to a home automation lighting controller...control interfaces to communication devices...remote control of the HVAC system...an interface for reading utility meters...[an] interface for security sensors and alarm settings...interfaces for kitchen, utility, and general home appliances...[and] interfaces to devices providing convenience services such as interface to a curtain, window, blinds or whirlpool controllers...” Humpleman, col. 22, line 22 – col. 23, line 2.

However, like Clare, Wichter, Myer, Kraus, Davis, and Makansi, Humpleman does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as

recited in claim 1. Rather, Humpleman is silent regarding determining an energy cost for communication.

Further, like Clare, Wichter, Myer, Kraus, Davis, and Makansi, Humpleman does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Humpleman is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Humpleman does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, and Makansi.

viii. Discussion of Wesson and Conclusion

Applicant submits that Wesson does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, Makansi, and Humpleman.

Wesson describes technologies for a “highly automated, low-cost, intelligent, distributed sensor network (DSN)” including “machine-based DSN structures.” Wesson, p. 6. Wesson describes use of two types of organizational structures: “a ‘flat’ non-hierarchical organization” and a “very hierarchical ‘theory Y’ or ‘perceptual cone’ organization.” Wesson, page 7 and 8. In human based tests, Wesson mentions that:

Communication restrictions were imposed on both organizations. Each node could generate a prespecified number of messages per unit time. Message reception and processing was limited only by the nodes’ abilities to process the incoming data. Other than those, no *a priori* restrictions were placed on nodes’ utilization of communication resources.

Wesson, p. 9. Later, in describing “machine networks”, Wesson mentions that

Communication restrictions were relaxed from those in the human experiments. Each node could communicate with any other node in the network, as well as with the outside world (via sensor data and official reports). The communication medium was perfect and instantaneous.

Wesson , p. 15. Various heuristics are described by Wesson “communication conservation” including broadcasting messages “not intended for only one node”, ignoring “a message relating to distant events”, sending a message “to only one superior” that “is to be broadcast widely by

your superior and you have more than one superior”, sending “a copy of your reply to all other original addressees” of a “broadcast request”, combining messages, deleting messages “for a node who is known to be very busy”, and “not reconfigur[ing] authority structures dynamically.” Wesson, p. 22.

However, like Clare, Wichter, Myer, Kraus, Davis, Makansi, and Humpleman, Wesson does not disclose or suggest “determin[ing] an energy cost for communication and a message priority” as recited in claim 1. Rather, Wesson assumes that the “communication medium was perfect and instantaneous” in machine networks. Wesson, p. 15. Instead of “an energy cost for communication” as recited in claim 1, Wesson discusses communication costs in the context of “execution time and space [and] in the inordinate amount of time required to design and implement the required modules of code.” Wesson, p. 16.

Further, like Clare, Wichter, Myer, Kraus, Davis, Makansi, and Humpleman, Wesson does not disclose or suggest “at least one node is further configured to distribute objects for data processing to one or more of the plurality of network elements, wherein the objects for data processing comprise data and executable code, and wherein the distribution of the objects for data processing varies based on the energy cost for communication and the message priority” as also recited in claim 1. Rather, Wesson is silent regarding distribution of objects for data processing based on the energy cost for communication.

For at least these reasons, Wesson does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, Makansi, and Humpleman.

As the subject matter of claim 1 is not disclosed or suggested in the cited art, the cited art does not support a rejection of claim 1 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 1 as required by M.P.E.P. § 2142. Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103.

b. Response to Rejection of Claim 63

As mentioned above, the Examiner rejected claim 63 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Myer. Applicant submits that the cited art does not support a rejection of claim 63 under 35 U.S.C. § 103.

As amended, claim 63 recites, in part, “at least one node is further configured to determine an energy cost for communication and a message priority” and “wherein the distribution of the data processing varies based on the energy cost for communication and the message priority.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 63 related to an energy cost for communication. Thus, the cited art does not support a rejection of claim 63 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 63 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 63 under 35 U.S.C. § 103.

c. Response to Rejection of Claim 83

As mentioned above, the Examiner rejected claim 83 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter. Applicant submits that the cited art does not support a rejection of claim 83 under 35 U.S.C. § 103.

As amended, claim 83 recites, in part, “means for communicating node information regarding message priority and energy availability from the at least one local node to one or more other nodes of the plurality of network elements” and “means for distributing processing of the collected sensor data among the plurality of network elements, wherein the distribution of the data processing varies dynamically based on the message priority and the energy availability.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 83 related to energy availability. Thus, the cited art does not support a rejection of claim 83 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 83 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 83 under 35 U.S.C. § 103.

d. Response to Rejection of Claim 92

As mentioned above, the Examiner rejected claim 92 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter. Applicant submits that the cited art does not support a rejection of claim 92 under 35 U.S.C. § 103.

Claim 92 recites, in part, “wherein the plurality of network elements is configured to communicate a high priority message code for a high priority event” and “wherein, in response to receipt of the high priority message code, the at least one node is configured to broadcast one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event.”

Applicant submits that the cited art does not disclose or suggest at least this functionality of claim 92.

Clare is summarized above. Applicant submits that Clare is silent regarding a “plurality of network elements [that] is configured to communicate a high priority message code for a high priority event” and “in response to receipt of the high priority message code, the at least one node is configured to broadcast one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event.”

As Clare does not disclose or suggest all of the functionality recited in claim 92, Clare does not support rejection of claim 92 under 35 U.S.C. § 103.

Wichter does not cure these deficiencies in Clare. As summarized above in the context of claim 1, Wichter discloses

[m]essages [that] include three priorities: a high priority, a normal priority and a delay priority. Message processor 54 processes high priority messages immediately. Normal priority messages are processed when no more high priority messages are in communications log 44. Finally, communications interface 40 waits until a specified time to send out delayed messages, a priority only applicable to outgoing messages.

Wichter, col. 11, lines 52-58.

While Wichter does disclose priority-based message processing, as quoted immediately above, Wichter does not disclose or suggest “broadcast[ing] one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event.” Indeed, Wichter appears to be silent regarding inhibiting messaging from nodes not engaged in

conveying information for any reason, much less “inhibit[ing] messaging from nodes not engaged in conveying the high priority event” as recited in claim 92. Thus, Wichter does not cure the deficiencies of Clare in failing to disclose or suggest at least the above-quoted subject matter of claim 92.

Applicant submits that the remaining cited art -- Myer, Kraus, Davis, Makansi, Humpleman, and Wesson – does not cure the above-mentioned deficiencies in Clare and Wichter. Thus, as the cited art does not disclose or suggest all of the recited functionality of claim 92, the cited art does not support a rejection of claim 92 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 93 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 92 under 35 U.S.C. § 103.

e. Response to Rejection of Claim 101

As mentioned above, the Examiner rejected claim 101 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Davis. Applicant submits that the cited art does not support a rejection of claim 101 under 35 U.S.C. § 103.

As amended, claim 101 recites, in part, “at least one node is further configured to determine a message priority and an energy cost for communication and to distribute data and executable code through the network using messages of predetermined priority” and “wherein the plurality of network elements is configured to distribute data processing through the network, and wherein the distribution of data processing varies based on at least the energy cost for communication.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 101 related to “energy cost for communication” and “distribution of data processing.” Thus, the cited art does not support a rejection of claim 101 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 101 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 101 under 35 U.S.C. § 103.

f. Response to Rejection of Claim 103

As mentioned above, the Examiner rejected claim 103 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter, Davis, and Wesson. Applicant submits that the cited art does not support a rejection of claim 103 under 35 U.S.C. § 103.

As amended, claim 103 recites, in part, “at least one node is further configured to communicate an energy cost for communication and a message priority to the plurality of network elements” and “wherein the plurality of network elements is configured to distribute data processing through the sensor network in response to the energy cost for communication.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 103 related to an “energy cost for communication” and “distribut[ion of] data processing.” Thus, the cited art does not support a rejection of claim 103 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 103 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 103 under 35 U.S.C. § 103.

g. Response to Rejection of Claim 112

As mentioned above, the Examiner rejected claim 112 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter. Applicant submits that the cited art does not support a rejection of claim 112 under 35 U.S.C. § 103.

As amended, claim 112 recites, in part, a “plurality of network elements is configured to distribute, after the at least one local node has become a member of the sensor network, data processing on the collected data to one or more of the plurality of network elements, and wherein the distribution of the data processing varies based on the message priority and an energy cost for communication.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 112 related to “distribution of the data processing varies based on the message priority and an energy cost for communication.” Thus, the cited art does not support a rejection of claim 112 under 35 U.S.C. § 103. Further, the

Examiner has failed to make a *prima facie* case of obviousness for claim 112 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 112 under 35 U.S.C. § 103.

h. Response to the Rejections of the Dependent Claims

Applicant submits that the remarks made above for independent claims 1, 62, 83, 92, 101, 103 and 112 apply equally to dependent claims 2-32, 34-62, 65-79, 94, and 113-119, as each respective dependent claim ultimately depends from independent claim 1, 62, 83, 92, 101, 103 or 112. Thus, the cited art does not support rejection of claims 2-32, 34-62, 65-79, 94, and 113-119 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claims 2-32, 34-62, 65-79, 94, and 113-119 as required by M.P.E.P. § 2142. Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 2-32, 34-62, 65-79, 94, and 113-119 under 35 U.S.C. § 103.

5. Conclusion

There may be other reasons for patentability for the claims of this application, and Applicant does not waive the right to present those arguments at a later time. Applicant submits that all rejections have been addressed herein and respectfully requests the Examiner reconsider and withdraw all rejections for at least these reasons. If, in the opinion of the Examiner, a telephone conference would speed prosecution of this application, the Examiner is invited to call the undersigned at 312-913-3338.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: November 12, 2010

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